

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 1, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 25, 2006.**

MOTION: Stevens moved and Workman seconded approval of the Board of commissioners minutes dated July 25, 2006. Hudkins, Stevens, Workman and Schorr voted aye. Heier abstained from voting. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

- A. The County-City Volunteer of the Month Award was presented to Freida Holman for her services with the Lincoln Area Agency on Aging.
- B. Recognition of Bob Workman for support of the National Committee for Employer Support of the Guard and Reserve (ESGR) - Arlo R. Bower, State Chairman of the Nebraska ESGR Committee, and Bill H. Nelson, Program Specialist with the Nebraska ESGR Committee

Workman indicated the item was for the recognition of the National Committee for Employer Support of the Guard and Reserve (ESGR).

2) **SPECIAL PRESENTATIONS CONTINUED:**

Bower gave a brief history of the ESGR noting there are 73 volunteers statewide who give their time. Bower also presented plaques to Commissioner Workman and the County for their support.

Also recognized was Pat Kant, Personnel Department, and Ret. General Ed Binder for his assistance in establishing the ESGR.

Introduction of Horace Cheung

Pat Walter, President of the Mayor's Committee for International Friendship, appeared and introduced Horace Cheung from Hong Kong, China.

Cheung indicated he was visiting Nebraska to learn about the Unicameral and explained that Hong Kong is now discussing whether to have a one house or a two house legislature.

3) **CLAIMS: Approval of all claims processed through Tuesday, August 1, 2006.**

MOTION: Stevens moved and Workman seconded approval of all claims processed through August 1, 2006. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. County Change of Zone No. 06003, requested by Land II, L.L.C., from AG Agricultural District to AGR Agricultural Residential District, to allow the development of 17 residential acreage lots on 72.85 acres, more or less, on property generally located northwest of the corner of South 68th Street and Roca Road in Lancaster County, Nebraska. (See New Business Item 5A for correlating documentation.)

B. County Preliminary Plat No. 06001, The Preserve at Cross Creek 2nd Addition, requested by Land II, L.L.C., to allow the development of 17 residential acreage lots on 72.85 acres, more or less, on property generally located northwest of the corner of South 68th Street and Roca Road in Lancaster County, Nebraska. (See New Business Item 5B for correlating documentation.)

4) **PUBLIC HEARINGS CONTINUED:**

- C. County Waiver No. 06004, requested by Land II, L.L.C., to allow the development of 17 residential acreage lots on 72.85 acres, more or less, on property generally located northwest of the corner of South 68th Street and Roca Road in Lancaster County, Nebraska. (See New Business Item 5C for correlating documentation.)**

The Clerk read Public Hearing Items 4A through 4C into the record.

The Chair opened the public hearings and asked if anyone wished to provide testimony.

The oath was administered to Mike Eckert, with Civil Design Group.

Eckert indicated he was appearing on behalf of Land II and gave a brief overview of the proposals, noting that they have met all Planning staff conditions.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearings were closed.

- D. County Change of Zone No. 06030, requested by Civil Design Group on behalf of Monte and Lisa Froehlich, from AG Agricultural District to AGR Agricultural Residential District to allow the development of seven residential acreage lots on approximately 32.84 acres generally located northwest of the corner of South 38th Street and Martell Road in Lancaster County, Nebraska. (See New Business Item 5D for correlating documentation.)**
- E. County Preliminary Plat No. 06006, Ponderoca Crossing, requested by Civil Design Group on behalf of Monte and Lisa Froehlich, to develop seven residential acreage lots on property generally located northwest of the corner of South 38th Street and Martell Road in Lancaster County, Nebraska. (See New Business Item 5E for correlating documentation.)**

The Clerk read Public Hearing Items 4D and 4E into the record.

The Chair opened the hearings and asked if anyone wished to provide testimony.

4) **PUBLIC HEARINGS CONTINUED:**

Eckert indicated he was appearing on behalf of Monte and Lisa Froehlich and gave an overview of the proposals indicating both Planning staff and Planning Commission have recommended approval.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearings were closed.

5) **NEW BUSINESS:**

A. A resolution in the matter of County Change of Zone No. 06003, from AG Agricultural to AGR Residential, requested by Marcia Kinning of ESP on behalf of Land II, L.L.C., on property generally located northwest of the corner of South 68th Street and Roca Road, Lancaster County, Nebraska. (R-06-0074)

B. A resolution in the matter of County Preliminary Plat No. 06001, The Preserve at Cross Creek 2nd Addition, requested by Marcia Kinning of ESP on behalf of Land II, L.L.C., for 17 residential acreage lots and associated waiver requests on property generally located northwest of the corner of South 68th Street and Roca Road, Lancaster County, Nebraska. (R-06-0075)

C. A resolution in the matter of County Waiver No. 06004, requested by Land II, L.L.C., to waive the lot depth-to-width ratio for proposed lots associated with The Preserve at Cross Creek 2nd Addition, on property generally located northwest of the corner of South 68th Street and Roca Road, Lancaster County, Nebraska. (R-06-0076)

MOTION: Workman moved and Heier seconded approval of Resolution 06-0074 in the matter of County Change of Zone No. 06003, approval of Resolution 06-0075 in the matter of County Preliminary Plat No. 06001, The Preserve at Cross Creek 2nd Addition, and approval of Resolution 06-0076 in the matter of County Waiver No. 06004, The Preserve at Cross Creek 2nd Addition, on property generally located northwest of the corner of South 68th Street and Roca Road, Lancaster County, Nebraska.

In response to a question asked by Stevens, Mike DeKalb, Planning Department, explained that Roca changed their minimum lot acres from five acres to three acres.

5) **NEW BUSINESS CONTINUED:**

Stevens stated the proposal was not in conformance with the County's Comprehensive Plan.

DeKalb concurred.

ROLL CALL: Workman, Hudkins, Heier and Schorr voted aye. Stevens voted no. Motion carried.

D. A resolution in the matter of County Change of Zone No. 06030, from AG Agricultural to AGR Residential, requested by Civil Design Group on behalf of Monte and Lisa Froehlich, on property generally located northwest of the corner of South 38th Street and Martell Road, Lancaster County, Nebraska. (R-06-0077)

E. A resolution in the matter of County Preliminary Plat No. 06006, Ponderoca Crossing, requested by Civil Design Group on behalf of Monte and Lisa Froehlich, for seven residential acreage lots on property generally located northwest of the corner of South 38th Street and Martell Road, Lancaster County, Nebraska. (R-06-0078)

MOTION: Heier moved and Hudkins seconded approval of Resolution 06-0077 in the matter of County Change of Zone No. 06030 and approval of Resolution 06-0078 in the matter of County Preliminary Plat No. 06006, Ponderoca Crossing. Hudkins, Heier, Workman and Schorr voted aye. Stevens voted no. Motion carried.

F. A resolution in the matter of County Change of Zone No. 04074, from AG Agricultural to AGR Residential, requested by Lyle Loth of ESP on behalf of Robert Lookabaugh, on property generally located at North 84th Street and Agnew Road, Lancaster County, Nebraska. (R-06-0079)

G. A resolution in the matter of County Special Permit No. 04058, Lakewood Hills Community Unit Plan, requested by Lyle Loth of ESP on behalf of Robert Lookabaugh, to develop nine residential acreage units on property generally located at North 84th Street and Agnew Road, Lancaster County, Nebraska. (R-06-0072)

5) **NEW BUSINESS CONTINUED:**

- H. A resolution in the matter of County Preliminary Plat No. 04028, Lakewood Hills, requested by Lyle Loth of ESP on behalf of Robert Lookabaugh, for nine residential acreage lots on property generally located at North 84th Street and Agnew Road, Lancaster County, Nebraska. (R-06-0080)**

MOTION: Hudkins moved and Heier seconded approval of Resolution 06-0079 in the matter of County Change of Zone No. 04074, approval of Resolution 06-0072 in the matter of County Special Permit No. 04058, Lakewood Hills Community Unit Plan, and approval of Resolution 06-0080 in the matter of County Preliminary Plat No. 04028, Lakewood Hills on property generally located at North 84th Street and Agnew Road, Lancaster County, Nebraska. Heier, Hudkins and Schorr voted yes. Workman and Stevens voted no. Motion carried.

- I. A resolution approving a Corporate Manager liquor license application for Mark A. Wible, in connection with a Class ID liquor license for Firethorn Golf Company, L.L.C., located at 9301 Firethorn Lane, Lincoln, Lancaster County, Nebraska. (R-06-0081)**

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0081 approving a Corporate Manager liquor license application for Mark A. Wible, in connection with a Class ID liquor license for Firethorn Golf Company, L.L.C., located at 9301 Firethorn Lane, Lincoln, Lancaster County, Nebraska. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- J. A resolution amending County Resolution No. 06-0060 approved by the County Board on June 20, 2006 regulating trucks over 26 tons on West Old Cheney Road. The resolution authorizes the County Engineer to replace the existing traffic sign with a temporary 'No Trucks Over 26 Tons Licenses Gross Weight' traffic sign on West Old Cheney Road 200 feet east of the Homestead Expressway for eastbound traffic to be consistent with the City's traffic signs. (R-06-0082)**

MOTION: Stevens moved and Workman seconded approval of Resolution 06-0082 amending County Resolution No. 06-0060 approved by the County Board on June 20, 2006 regulating trucks over 26 tons on West Old Cheney Road. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- K. An engagement letter with Dana Cole and Company L.L.C. for audit services for Lancaster County for the year ended June 30, 2006. The County will pay up to \$39,500 for the services. (C-06-00439)**

MOTION: Workman moved and Heier seconded approval of an engagement letter with Dana Cole and Company L.L.C. for audit services for Lancaster County for the year ended June 30, 2006. The County will pay up to \$39,500 for the services. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

- L. A revised interlocal agreement between Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission to amend Section 9 to clarify insurance coverage between the City and County for all Public Building Commission projects. The revised interlocal agreement supercedes the interlocal between the parties dated July 10, 1996. (C-06-0445)**

MOTION: Hudkins moved and Stevens seconded approval of a revised interlocal agreement between Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission to amend Section 9 to clarify insurance coverage between the City and County for all Public Building Commission projects. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

- M. Agreements with the following facilities to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and the facilities will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contains a 30-day termination provision.**

- ▶ Consultants in Gastroenterology (C-06-0446)
- ▶ Lincoln Nephrology & Hypertension (C-06-0447)
- ▶ Omaha Neurological Clinic (C-06-0448)
- ▶ Wedgewood Legacy Medical P.C. (C-06-0449)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of agreements with Consultants in Gastroenterology, Lincoln Nephrology & Hypertension, Omaha Neurological Clinic and Wedgewood Legacy Medical P.C. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

N. An application and agreement for nutrition services with the State of Nebraska, Department of Education Nutrition Services System. The application is under the Adult Care Food Program on behalf of the Community Mental Health Center. Term of the agreement is July 1, 2006 through June 30, 2007. The State will reimburse the County up to \$25,000 for the program. (C-06-0450)

MOTION: Hudkins moved and Stevens seconded approval of an application and agreement for nutrition services with the State of Nebraska, Department of Education Nutrition Services System. The application is under the Adult Care Food Program on behalf of the Community Mental Health Center. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

O. A sub-grant award agreement between Lancaster County and the Nebraska Emergency Management Agency (NEMA) for the period of August 1, 2005 through October 31, 2005, in the amount of \$25,194.69.

Item held one week as requested by the County Attorney's Office.

P. Recommendation from the Purchasing Agent and Sinclair Hille Architects on behalf of the Public Building Commission, to award a bid for re-roofing and re-pointing stone parapet caps at Trabert Hall to Weathercraft Company, in the amount of \$179,777. (B-06-0029)

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Workman seconded approval to award a bid for re-roofing and re-pointing stone parapet caps at Trabert Hall to Weathercraft Company, in the amount of \$179,777, as recommended by the Purchasing Agent and Sinclair Hille Architects on behalf of the Public Building Commission. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Q. A request from General Electric Capital Corporation for a refund of 2005 personal property tax, in the approximate amount of \$668.

Norm Agena, County Assessor/Register of Deeds, recommended approval of the refund.

MOTION: Hudkins moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and approve a request from General Electric Capital Corporation for a refund of 2005 personal property tax, in the approximate amount of \$668. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

6) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

1. County Attorney's Quarterly Report from April 1, 2006 through June 30, 2006.

B. Setting of a public hearing for Tuesday, August 8, 2006 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Special Permit No. 05058, Martell Development Community Unit Plan, requested by Marcia Kinning of ESP on behalf of Dutch Bentzinger, for authority to develop four residential acreage lots on 20.78 acres on property located northeast of Southwest 29th Street and West Martell Road, Lancaster County, Nebraska.

6) **CONSENT ITEMS CONTINUED:**

C. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:

- ▶ Leigh Ann Copeland with Lancaster Manor
- ▶ Monica A. Rigoni with the Corrections Department

D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ Hildegard Nagel, in the total amount of \$360, on North 14th Street 600 feet south of West Branched Oak Road; Project CP-C-19. (2 contracts) (C-06-0440 and C-06-0441)
- ▶ Viktor and Hadezhada Rybak, in the amount of \$255, on Raymond Road east of North 112th Street; Project CP-A-7. (C-06-0442)
- ▶ Sundance, L.L.C., in the total amount of \$26,955.20, on South 82nd Street from Panama Road to Hickman Road; Project C55-SX-404(2). (2 contracts) (C-06-0443 and C-06-0444)

MOTION: Stevens moved and Hudkins seconded approval of the Consent Items. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 10:34 a.m.. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 1, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 10:34 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 25, 2006.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Equalization dated July 25, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 10 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Angelic Temple Church of God in Christ
MOSAIC
Salvation Army
Sisters of Mercy

MOTION: Stevens moved and Heier seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **APPEALS FILED ON LATE FILED HOMESTEAD EXEMPTIONS:**

Robert Cane	Marvin and Carolyn Price
Donald & Doris Cushing	Myron and Nadine Robertson
Marjorie K. Davenport	Virginia Smith
Donald and Elena Ganow	Virginia L. Wilcox
Wayne L. Higgins	Allan J. Worrest
Eva Phelps	

Norm Agena, County Assessor/Register of Deeds, explained Neb. Rev. Stat. § 77-3513 allows the County Board to extend the filing deadline to or on or before July 20th. He said all of the individuals listed on the agenda filed prior to July 20th and were not delinquent in filing the previous year. Recommendation was to extend the filing deadline on or before July 20, 2006 for the homestead exemption applicants as listed.

MOTION: Stevens moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and extend the filing deadline for homestead exemptions to July 20, 2006 for the following applicants: Robert Cane, Donald & Doris Cushing, Marjorie K. Davenport, Donald and Elena Ganow, Wayne L. Higgins, Eva Phelps, Marvin and Carolyn Price, Myron and Nadine Robertson, Virginia Smith, Virginia L. Wilcox and Allan J. Worrest. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Equalization meeting at 10:37 a.m.. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk